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AUG 10 2004
OFFICE OF PETITIONS

Docket No.: A3156.0022/PO22

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Mitsuhiro Ono

Application No.: 09/873,649

Confirmation No.: 4262

Filed: June 4, 2001

Art Unit: 2133

For: Integrated circuit for modem

Examiner: J. D. Torres

DECLARATION OF MAX MOSKOWITZ

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AUG 17 2004

Technology Center 2100

Max Moskowitz declares that:

1. I am the managing partner of Ostrolenk, Faber, Gerb & Soffen, LLP (hereinafter "Ostrolenk") and have held that position continuously from a time commencing prior to January 1, 2002.

2. Ostrolenk has not at any time on or after January 1, 2002a employed the services of Morgan Stanley Mail Services in connection with the rendering of any service whatsoever.

3. Ostrolenk maintains its offices at 1180 Avenue of the Americas, New York, New York 10036-8403. To the best of my knowledge and belief, Morgan Stanley Mail Services has not had any operations at 1180 Avenue of the Americas during the period from January 1, 2002 to the current date.

4. Ostrolenk has no record of receiving an Office Action mailed on September 23, 2003 in connection with the above identified case. The Ostrolenk docket records where the Office communication would have been entered had it been received and docketed have been searched and do not reflect receipt of said Office Action. A true copy of said docket records is attached hereto.

5. Prior to September 23, 2003, responsibility for the application and the physical file had been transferred to Steven Weisburd at Dickstein Shapiro Morin & Oshinsky, LLP. I understand that Mr. Weisburd will make any necessary statement about the contents of that file.

6. Had an Office Action relating to the above-identified application been received by Ostrolenk on or after September 23, 2003, it would have been forwarded to Mr. Weisburd within a few days of receipt. Ostrolenk has no documents mailed by the Patent and Trademark Office in 2003 relating to a matter transferred to Mr. Weisburd in its possession.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: July ²⁴/₂₇, 2004

Respectfully submitted,

By


Max Moskowitz